



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Lawrence J. Hogan, Jr., Governor – Boyd K. Rutherford, Lt. Governor – Van T. Mitchell, Secretary

**DIRECTIVE AND ORDER
OF THE MARYLAND SECRETARY OF HEALTH AND MENTAL HYGIENE
FOR CREMATION OF HUMAN REMAINS THAT ARE INFECTED WITH EBOLA**

Whereas the World Health Organization (“WHO”) and Centers for Disease Control and Prevention (“CDC”) have issued health advisories concerning the spread of an infectious and/or contagious condition known as Ebola Virus Disease (“EVD”), which is caused by Ebola Virus (“Ebola”);

Whereas Ebola is capable of causing extensive loss of life or serious disability and is identified as a deadly agent as defined in § 18-901(c) of the Health-General Article of the Maryland Code;

Whereas the CDC has issued Guidance for Safe Handling of Human Remains of Ebola Patients in U. S. Hospitals and Mortuaries;

Whereas the human remains of an individual who was infected with Ebola at the time of death may be infectious and be capable of transmitting Ebola;

Whereas Title 5, Subtitle 5 of the Health-General Article of the Maryland Code sets forth certain provisions related to the cremation or other disposition of human remains, including a requirement for identification of a body prior to cremation, *see* Md. Code Ann., Health-Gen. § 5-502(b); a time restriction on cremation, *see* Md. Code Ann., Health-Gen. § 5-503; the identification of an individual’s right to decide in writing on the disposition of the individual’s body after death, *see* Md. Code Ann., Health-Gen. §§ 5-509(a) and 5-512(b); and an identification of the right of certain other persons to determine the manner of final disposition of a body after death, in the absence of written instructions from the decedent, *see* Md. Code Ann., Health-Gen. § 5-509(c);

Whereas compliance with the provisions of Title 5, Subtitle 5 of the Health-General Article of the Maryland Code related to cremation, would increase the risk of transmission of Ebola from human remains of an individual who was infected with Ebola at the time of death;

Whereas, based upon current knowledge, cremated remains of a deceased individual who was infected with Ebola at the time of death are no longer infectious and do not pose a threat to health or safety;

Whereas cremation, as defined in § 5-508 of the Health-General Article of the Maryland Code, is the safest method of disposing of the human remains of an individual who was infected with Ebola at the time of death; and

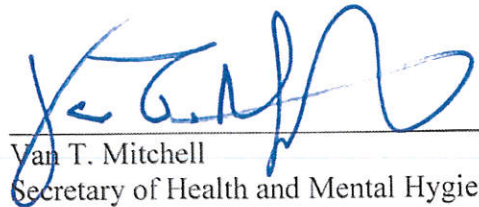
Whereas the State Anatomy Board ("the Board"), as established by § 5-402 of the Health-General Article of the Maryland Code, has the expertise and available facilities to safely handle and dispose of the remains of an individual who was infected with Ebola at the time of death;

Now, therefore, I, Van T. Mitchell, Secretary of Health and Mental Hygiene, pursuant to §§ 2-104, 18-102(b)(2), 18-903(a)(3), 18-902, and 18-903 of the Health-General Article of the Maryland Code, finding it necessary for the control of communicable disease, hereby order and direct as follows:

1. Notwithstanding any provision of law to the contrary, cremation is required for any deceased individual present in the State of Maryland who was infected with Ebola at the time of death, unless cremation is determined by the Board to be unsafe due to an implanted medical device.
2. All health care facilities, as that term is defined in § 18-901 of the Health-General Article, shall:
 - a. Become familiar with the current CDC Guidance for Safe Handling of Human Remains of Ebola Patients in U.S. Hospitals and Mortuaries as set forth on the CDC website at <http://www.cdc.gov/vhf/ebola/healthcare-us/hospitals/handling-human-remains.html>;
 - b. Comply with all relevant requirements in the CDC Guidance for Safe Handling of Human Remains of Ebola Patients in U.S. Hospitals and Mortuaries and the protocols established by the Board that are attached hereto as Exhibit A;
 - c. Immediately notify by telephone the local health department for the jurisdiction in which the facility is located and the Director of the State Anatomy Board of any death of a patient infected with Ebola at the facility;
 - d. Provide the Board with any information that the Board deems necessary to expedite the removal and transfer of the decedent to the Board's facilities and alert the Board if the body has a medical device implanted; and
 - e. Notify the decedent's next of kin or emergency contact person of the death and that the remains are being transferred from the hospital morgue facility to the Board for proper storage.

3. Notwithstanding any other provisions of law, including Title 5, Subtitle 5 of the Health-General Article , the State Anatomy Board shall:
- a. Provide an immediate response to any health care facility that contacts the Board to report a death at the facility of a patient infected with Ebola;
 - b. In a manner that is consistent with the CDC Guidance for Safe Handling of Human Remains of Ebola Patients in U.S. Hospitals and Mortuaries and the protocols established by the Board that are attached hereto as Exhibit A, secure, transport, and store human remains of a deceased individual who was infected with Ebola at the time of death, until cremation of the remains or other disposition of the remains if the Board determines that cremation is unsafe due to an implanted medical device;
 - c. Authorize cremation of the remains and perform final disposition of the body; and
 - d. Release cremated remains to the next of kin of the deceased patient.

THIS DIRECTIVE AND ORDER IS ISSUED UNDER MY HAND THIS 13 DAY OF MARCH, 2015, AND IS EFFECTIVE IMMEDIATELY.



Van T. Mitchell
Secretary of Health and Mental Hygiene